

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 631 of 2007

M/S.UNITED INDIA INSURANCE CO.LTD.

V/S

STATE & ORS.

Mr. PR SIKKA, Mr. MANOJ BHANDARI, Mr.SUSHIL BISHNOI for
the appellant / petitioner

Date of Order : 13.4.2007

HON'BLE SHRI N P GUPTA, J.

ORDER

Heard learned counsel for the petitioner.

The whole long and short of the matter is that certain insurance cover was taken for the goods, said to have been sent by trucks, but then goods were never sent, and the vehicle numbers, that were given out, in which the goods were said to have been sent, happened to be numbers assigned to different two-wheeler vehicles, and thus, the entire fraud has been committed by the person taking insurance cover in connivance with other persons. This matter has been investigated by the Police vide FIR case No.295.

It is contended that, that report was lodged by one Jiten Jindal, and therein at one stage, it was found that the vehicle numbers, through which the goods are said to have been sent, were the numbers assigned to two-wheeler vehicles, and the systematic fraud was practised. However, ultimately vide Final Report dated 27.5.2004, F.R. was submitted under the heading Adam Pata (माल मुलजिम). It is

contended that thus, the petitioner-company has been made a scapegoat, and would be attempted to be relieved of crores of rupees under the insurance claim.

In my view, these facts would not entitle the petitioner to invoke 226 jurisdiction of this Court for directing the C.B.I. investigation to be made. It is a different story that the petitioner may submit a protest petition against this F.R. if it has not been accepted so far, and in case it is accepted, the petitioner may itself lodge independent F.I.Rs., or institute private complaints alleging criminal offences to have been committed by the persons concerned, and may establish the case by leading evidence, or by choosing to lodge complaint.

However, even within the parameters laid down by Hon'ble the Supreme Court in the judgments relied upon by learned counsel for the petitioner, being Kashmeri Devi Vs. Delhi Administration reported in AIR 1988 SC 1323, and Central Bureau of Investigation Vs. State of Rajasthan reported in (2001)3 SCC 333, I do not find this case to be a case, where this Court should exercise powers under Article 226, to direct C.B.I. investigation.

The writ petition is, therefore, dismissed summarily with the aforesaid liberties.

(N P GUPTA), J.

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